

App No. ~~34170~~ 33819
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AGREEMENT

Made the 22nd day of January, 1996, by and between Mon Cherie, Inc., t/a Dahlila (hereinafter "Applicant"), and Advisory Neighborhood Commission (ANC) 2E and the Citizens Association of Georgetown (hereinafter together "Protestants").

WHEREAS, on June 29, 1995, Applicant filed with the District of Columbia Alcoholic Beverage Control (ABC) Board (herein after "the Board") an application for transfer of a Retailer's license Class CR to premises 2815 M Street, N.W.; and,

WHEREAS, Protestants lodged with the Board timely protests of said application; and,

WHEREAS, the parties subsequently have negotiated in a effort to resolve the issues raised by Protestants' objections to transfer of the license; and,

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to 23 D.C.M.R. Section 1513, commemorating their several agreements;

NOW, THEREFORE, the parties agree as follows:

1. Occupancy at the subject premises shall not exceed 74 persons,
2. Only the first (street level) and second floors of the subject premises shall be utilized for routine customer seating and service. The basement shall be utilized for customer seating and service only for private (not open to the general public) parties and functions.

3. The subject premises shall contain no "sit down" bar or standing area for consumption of alcoholic beverages. The premises, however, may contain "service" bars for preparation of alcoholic beverages for table service.

4. The subject establishment shall not offer outdoor seating or service.

5. The subject establishment shall not offer live entertainment or facilities for patron dancing.

6. The Applicant will not alter or modify the exterior of the subject premises, or display signage, without first securing any required municipal permits and approvals, including historic preservation approval.

7. The applicant shall keep the public space immediately adjacent to the subject premises reasonably clean and free of trash and litter. Applicant shall refrain from distribution of handbills on public space.

8. The parties stipulate that any deviation from the restrictions recited in paragraphs numbered 1 through 7, inclusive, above, shall be considered a "substantial change in the nature of the operation" requiring ABC Board approval pursuant to 23 D.C.M.R. §505.

9. Applicant acknowledges that failure to adhere to the restrictions recited in paragraph 1 through 7, inclusive, above, will constitute grounds for the Protestants to petition the Board for issuance of an Order to Show Cause, pursuant to 23 D.C.M.R. 1513.5, to gain Applicant's compliance with the terms of

this Agreement. Prior to so petitioning, however, the Protestants shall notify Applicant of any perceived violations and afford Applicant a minimum of ten (10) calendar days in which to address or rectify the perceived violation.

10. The parties request that the text of the instant Agreement be incorporated in an order of the Board granting Applicant's renewal application, conditioned upon Applicant's compliance with the terms hereof.

11. In consideration of, and reliance upon, the foregoing commitments by Applicant, Protestants request hereby that their protest of Applicant's application for transfer of the subject Retailer's License Class CR be deemed withdrawn.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

MON CHERIE, INC.

By: M. E. Esfahani
Mohammad Esfahani, President

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: Beverly D. Jost AUC 2E 05
Chair

CITIZENS ASSOCIATION OF GEORGETOWN

By: Patrick H. Allen
Patrick Allen
Second Vice President/Chair
ABC Committee

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Mon Cheri Cafe, Inc.

t/a Dahlila

Application for a Retailer's

License Class CR - new

at premises

2815 M Street, N.W.

Washington, D.C.

Case No. 33819-95065P

Patrick Allen, on behalf of the Citizens Association of Georgetown,
Protestant

Michael Fonseca, Esquire, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson;

DENNIS BASS, Member;

JAMES C. JEFFERSON, Member

JAMES L. O'DEA, III, ESQUIRE, Member

BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on September 20, 1995, in accordance with D.C. Code 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Patrick Allen, on behalf of the Citizens Association of Georgetown, filed a timely protest letter.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Accordingly, it is this 28th day of January 1996,
ORDERED that:

1. The protest of Patrick Allen, on behalf of the Citizens Association of Georgetown, be, and the same hereby, are **WITHDRAWN**;

1/ See Agreement dated January 22, 1996.


Mon Cherie Cafe, Inc.
t/a Dahlila
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2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;

3. The application of Mon Cherie Cafe, Inc. t/a Dahlila for a retailer's license class CR - new, at location 2815 M Street, N.W., be, and the same hereby is GRANTED; and,


4. Copies of this Order shall be sent to the Protestant and the Applicant.

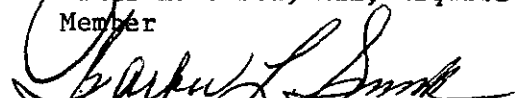
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


Mary Eve Candon, Esquire
Chairman


Dennis Bass
Member

James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member


Barbara L. Smith, Esquire
Member